

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 28892 Permit 20279 License

**ORDER APPROVING NEW DEVELOPMENT SCHEDULE, ADDING ENDANGERED OR
THREATENED SPECIES TERM, AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 20279 was issued to Timberline Ranch LDT, a Partnership on November 11, 1988 and subsequently assigned to Peter D. Stent.
2. On June 14, 1996, a petition for an extension of time in which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board.
3. Fall River Wild Trout Foundation protested the petition for an extension of time and resolution of the protest issue were mitigated by the addition of permit terms for the installation of fish screen and to allow reasonable access to verify compliance with terms of the permit.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2003. (0000008)

Complete application of the water to the proposed use shall be made by December 31, 2008. (0000009)
2. The addition of Paragraph 19 to the permit to read as follows:


For the protection of fish and wildlife, permittee shall install and properly maintain fish screen(s) at the point of diversion that meet the standards set by the Department of Fish and Game and the National Marine Fisheries Service. (0400500)
3. The addition of Paragraph 20 to the permit to read as follows:

Permittee shall allow Mr. Dale Dennis or a designated representative of Fall River Wild Trout Foundation, after permittee is given 48 hours prior notification, reasonable access to the point of diversion and the wetland for the purpose of verifying compliance with the terms of this permit. (0480500)

4. The addition of Paragraph 21 to the permit to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

Dated: **OCTOBER 20 1998**


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 28892

PERMIT 20279

LICENSE _____

ORDER RESCINDING REVOCATION
ORDER ISSUED MARCH 06, 1991

WHEREAS:

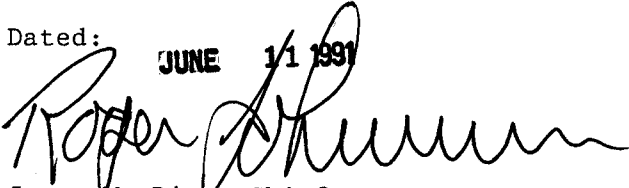
1. Permit 20279 was issued to Timberline Ranch, Limited, a Partnership, on November 10, 1988.
2. On December 14, 1990, the permittee's agent filed with the State Water Resources Control Board (State Board) the Report of Licensee for 1990. On the report the permittee indicated "The project has been abandoned" and requested revocation of the permit.
3. On March 06, 1991, the State Board issued an order revoking Permit 20279.
4. On March 25, 1991, a telephone conversation followed with a letter, revealed the permittee has lost ownership of the property. The property has been returned to the original owner, Bruce H. Crane. He is requesting that the order revoking this permit be rescinded and this water right be transferred to him.
5. The State Board has determined that good cause has been shown for rescinding the revocation.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The State Water Resources Control Board hereby rescinds the order issued March 06, 1991 revoking Permit 20279.

Dated:

JUNE 11 1991

701 
Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20279

Application 28892 of Timberline Ranch, Limited, a Partnership
c/o Ralph Merklin, P.O. Box 588, Tiburon, California 94920

filed on September 8, 1986, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Bear Creek

Fall River thence

Pit River thence

Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
North 46°West, 3,670 feet from SE corner of Section 1	NW¼ of SE¼	1	38N	3E	MD

County of Shasta

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Recreation	2 Reservoirs located NW¼ of SE¼	1	38N	3E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 25 acre-feet per annum to be collected in two reservoirs from October 1 of each year to April 1 of the succeeding year. Permittee shall maintain the spillway elevation of each reservoir which will allow the two reservoirs to collect a maximum of 25 acre-feet. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 5 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1992. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000040)

13. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facilities to the Chief of the Division of Water Rights for approval within 6 months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050044)

14. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure water diverted into the two reservoirs from Bear Creek, and water released from or flowing out of the two reservoirs. (0060046)

15. Permittee shall install and properly maintain in the reservoirs a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage reading on or about October 1 and April 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

Permittee shall allow Pacific Gas and Electric, or a designated representative, reasonable access to the two reservoirs for the purpose of verifying staff gage readings and determining water levels in the two reservoirs. (0070047)
(0100047)

16. For the protection of fish and wildlife, permittee shall during the period: (a) from October 1 through April 1 bypass a minimum of 5 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount. (0140060)

17. Each day prior to diverting water to storage, permittee shall contact PG&E's Pit 3 Powerhouse to inquire if PG&E's right at Pit 1 are being satisfied. Permittee may divert water to storage only when PG&E's right at Pit 1 is satisfied. (0360300)

18. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 10 1988

STATE WATER RESOURCES CONTROL BOARD

Walter J. Pettit
Chief, Division of Water Rights